

AMENDED IN SENATE APRIL 1, 2008

SENATE BILL

No. 1696

Introduced by Senator Yee

February 22, 2008

An act to add Sections 6253.3 and 6253.31 to the Government Code, relating to public records.

LEGISLATIVE COUNSEL'S DIGEST

SB 1696, as amended, Yee. California Public Records Act: disclosure.

Existing law, the California Public Records Act, requires each state and local agency to make its records available for public inspection during office hours and, upon request of any person, to make copies available upon payment of fees, unless the records are exempt by law from disclosure.

This bill would provide that a state or local agency may not ~~by confidentiality agreement or other contract make information confidential or disclosable only with permission of the other party to the contract, if that information allow another party to control the disclosure of information that~~ is otherwise subject to disclosure under the act. This bill would state that this provision is declaratory of existing law.

This bill would also provide that any contract entered into by a state or local agency subject to the act, including the University of California, that requires a private entity to review, audit, or report on any aspect of that agency shall be public and *to the extent the contract is* subject to disclosure under the act, *shall be disclosed pursuant to its provisions, notwithstanding any contrary term in the contract.*

Vote: majority. Appropriation: no. Fiscal committee: no.
State-mandated local program: no.

The people of the State of California do enact as follows:

SECTION 1. Section 6253.3 is added to the Government Code, to read:

6253.3. A state or local agency may not, ~~by confidentiality agreement or other contract, make information confidential or disclosable only with permission of the other party to the contract if that information~~ *allow another party to control the disclosure of information that* is otherwise subject to disclosure pursuant to this chapter.

SEC. 2. Section 6253.31 is added to the Government Code, to read:

6253.31. ~~Any~~ *Notwithstanding any contract term to the contrary, a* contract entered into by a state or local agency subject to this chapter, including the University of California, that requires a private entity to review, audit, or report on any aspect of that agency shall be public ~~and to the extent the contract is otherwise~~ subject to disclosure under this chapter.

SEC. 3. Section 1 of this act does not constitute a change in, but is declaratory of, existing law.